

VZCZCXYZ0013  
OO RUEHWEB

DE RUEHC #1321 2171317  
ZNR UUUUU ZZH  
O P 051259Z AUG 09  
FM SECSTATE WASHDC  
TO RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 0000  
INFO RUEHKI/AMEMBASSY KINSHASA PRIORITY 0000

UNCLAS STATE 081321

SIPDIS

E.O. 12958: N/A  
TAGS: [KPKO](#) [PHUM](#) [PREL](#) [CG](#)  
SUBJECT: UNSCR 1820 - WOMEN, PEACE AND SECURITY: UNSC  
CONSULTATIONS AUGUST 7

¶1. ACTION REQUEST: USUN may draw from the talking points in para 2 below during the August 7 consultations on UN Security Council Resolution 1820 on Women, Peace and Security. Mission should review the approach outlined in talking points below, and if, based on latest information from its interactions with other missions, it believes changes would be advisable, should note those to the Department. As appropriate, mission should consult with friendly Council members prior to the August 7 session. End action request.

¶2. Begin points:

Mr. President, let me begin by thanking you for hosting this important debate. The United States would also like to thank the Secretary-General for his report and comprehensive briefing today.

Mr. President, sexual violence in situations of armed conflict, in varying levels of intensity and severity, has occurred throughout history. Reporting from a number of countries over the past decade, however, confirms that brutal rapes are increasingly systematic and more frequent. Despite the Security Council's adoption of Resolutions 1325 and 1820, its repeated condemnation of such violence, and its calls for the immediate cessation by all parties of acts of rape and sexual violence in situations of armed conflict, thousands of women and girls continue to be gang-raped, mutilated, or abducted into sexual slavery. The use of sexual violence as a tactic of war must end.

Such atrocities, which often persist even after the signing of peace agreements between parties to an armed conflict, not only inflict irreversible harm on the survivors, but are also detrimental to peace processes and contribute to the rupture of societies. Sexual assault against women, often committed in front of their husbands and children, not only inflicts severe physical, mental and emotional injuries, but also contributes to the spread of HIV/AIDS and other diseases, results in the conception and birth of unwanted children whom families then reject, and often results in the survivors being shamed and stigmatized, leading to the breakdown of traditional families and social order. The resulting sense of anger and desire for retribution make peace agreements harder to reach and maintain.

Mr. President, today's debate again turns international attention to the increasing scope and brutality of the use of rape and other sexual violence as a tactic of war in armed conflict situations. We are outraged by the immense human suffering caused by these acts. We must now turn our statements into action. We must work to end these abhorrent practices, bring an end to the impunity enjoyed by perpetrators, protect women and girls from such atrocities, and make the achievement of a lasting and inclusive peace more feasible.

We will only succeed through concrete actions. The United States is ready to lead these efforts and build upon

our previous committed advocacy for the adoption of UNSC Resolution 1820. Several actions are called for, including efforts toward comprehensive data collection and UN reporting on sexual violence, prevention of new acts of sexual violence through measures such as increased human rights training and effective vetting for members of domestic security forces, identification and punishment of perpetrators of past acts of sexual violence, and treatment of rape and abuse survivors. The Secretary-General's report includes several recommendations that can help operationalize these efforts.

First, we need specialized leadership at the UN to focus efforts on implementing the goals of 1820. We congratulate the Secretary-General on his efforts to address the issue of rape in armed conflict. However, responsibility to address this issue still remains diffused across multiple UN entities and across all member states. This overlapping web of responsibility can lead to piece-meal and duplicative efforts. The United States believes that the appointment of a Special Representative on Women, Peace and Security, for a specified period, would focus and transform these efforts and help bring cohesion in implementing our responsibilities. The time-limited mandate for this Special Envoy/Representative would aim to review and streamline multi-sectoral responses to sexual violence in conflict situations, promote integrated and coordinated approaches to the problem, bolster the role of women in peace negotiations and peacekeeping operations, and promote accountability for implementation of Resolution 1820. A high-level UN representative would have access to the political and military leaders whose cooperation is needed to make progress on preventing sexual violence and reversing rampant impunity.

Second, we must hold perpetrators accountable. The United States remains one of the leading voices and supporters for accountability in the face of the world's most heinous crimes, including sexual violence as a war crime or crime against humanity. We can and must support domestic, hybrid, and international accountability mechanisms that investigate and prosecute these types of crimes, particularly in places where domestic capacity is nonexistent or needs bolstering. This is the case in some military and civilian justice systems. Some states could benefit greatly from technical assistance to examine, among other things, whether sexual crimes committed against civilians by military personnel should fall under the jurisdiction of civilian courts rather than military courts. Enhancing capacity could involve a range of assistance from training by international lawyers and judges to legislative drafting assistance.

The problem of sexual violence, as well as impunity, is particularly grave in the DRC, where the United Nations Population Fund (UNFPA) reported nearly 16,000 new cases of sexual violence were registered in 2008 throughout the country and that the majority (65 percent) of cases were children. The Secretary-General's report discussed the DRC situation and recommended a Commission of Inquiry. While the DRC government's recently announced zero tolerance policy toward members of security forces who engage in sexual violence is a welcomed step, along with the April 2009 launch of a comprehensive strategy created by the UN and the DRC government for combating gender-based violence, an estimated 36 women and girls continue to be raped daily (1,100 monthly) in conflict-affected eastern Congo, and data collected from provincial health centers between 2005 and 2007 suggest that Congolese courts heard only 2 percent of registered rape cases in eastern Congo. We note the pending cases at the ICC against accused perpetrators of sexual violence, but must recognize that given the breadth of the problem, more is required. We support the establishment of other mechanisms to hold these perpetrators accountable and bring them to justice. The Commission of Inquiry-as suggested by the Secretary-General\* constitutes one possible accountability option. Consideration might also be given to establishing a dedicated chamber in the domestic courts that, with a mix of domestic and international staff, would prosecute war crimes and crimes against humanity, with a substantial focus on sexual- and gender-based violence.

In addition, we should consider the deployment of technical assistance teams to develop the DRC's capacity to combat sexual violence during conflicts; and strengthening the mandate of, and supporting the capacity of the United Nations Peacekeeping Mission in the Democratic Republic of Congo (MONUC) to address this problem, including through efforts to increase the participation of women in peacekeeping missions. We will work with the Congolese and all stakeholders to craft the most effective solution.

These options are not necessarily mutually exclusive. For example, the results from a Commission of Inquiry could be used to support prosecutions in the new chamber. Also, a Special Representative on Women, Peace, and Security could advise the Secretary-General and Security Council on what steps to take based on the Commission's final report and based on the progress of the prosecutions.

Third, targeted measures are a tool to counter sexual violence as a tactic of war. We agree with the report that we should incorporate provisions relating to sexual violence in armed conflict into existing sanctions regimes as appropriate. The sharing of information among all UN Security Council-mandated bodies, particularly peace-keeping operations in the field, the Working Group on Children and Armed Conflict, and relevant sanctions committees and UN sanctions monitoring expert panels is essential for targeted measures to be appropriately applied and for the Council to have the up-to-date information it needs. Relevant Special Representatives and Emergency Relief Coordinators of the Secretary-General can also work with Member States to develop joint Government-United Nations Comprehensive Strategies to Combat Sexual Violence, in consultation with all relevant stakeholders, and to provide regular updates on this in their standard reporting to Headquarters as well as to the Security Council as appropriate.

Fourth, we should continue to include in Council resolutions on peacekeeping operations, where appropriate, reminders of the zero-tolerance policy on sexual exploitation and abuse by UN peacekeepers. We stand ready to work with all partners ) the UN, other Member States and the humanitarian community -- to develop strategies to better hold perpetrators accountable.

Curbing sexual violence by military actors requires creating a culture of awareness and accountability, starting with top commanders and following down through the chain of command. Neither soldiers nor officers can commit sexual violence with impunity, and perpetrators should not be promoted without being subjected to effective vetting mechanisms to exclude persons against whom there are credible allegations and evidence of crimes, including sexual crimes. The international community needs to explore ways to foster this culture through better training, capacity building, and other targeted programs. This applies both to regular forces and to armed groups.

Combating sexual violence must be forward-looking, and part of the political agenda to find stability and peace after conflict. Of 300 peace agreements formed in 45 conflict situations from 1989 to present, only 18 mention the need and urgency to address sexual or gender-based violence, and yet such violence occurred in nearly all of these situations. We must urge the UN, member states, and future mediators to highlight the importance of addressing sexual violence in current peace processes and at the start of future peace negotiations. In addition, we should promote the inclusion of women as mediators and members of negotiating teams. We cannot stand by and allow peace processes to perpetuate the situation of &men with guns forgiving other men with guns for crimes committed against women8, as Deputy Force Commander of the UN Mission in the Democratic Republic of the Congo (MONUC) said during last year,s open debate on sexual violence.

Finally, reporting by the Secretary-General on sexual

violence in armed conflict is important to our efforts. We endorse the Secretary-General's recommendation to extend a standing invitation to the High Commissioner for Human Rights, the Special Rapporteur on Violence against Women, and the Chairperson(s) of UN Action to provide additional briefings on sexual violence and supplement information received from SRSs and the Emergency Relief Coordinator, as the situation arises. We also support and encourage continued annual reporting on this topic by the Secretary-General.

In addition to the measures that the Security Council can take, there are important aspects of the problem of sexual violence that must be pursued in other bodies as well. We will work with other stakeholders, within the UN family and among non-governmental organizations, to improve efforts to assist victims of sexual violence.

Mr. President, we have much work to do to fully realize and implement the critical goals of Security Council Resolution 1820. We have no time to spare. Survivors of sexual violence in armed conflict continue to suffer with every passing hour. Perpetrators continue to carry out these acts with impunity. We have taken an important step forward by putting this topic on the world's agenda. We now look forward to working with fellow Council members, the UN, and other partners towards halting and preventing further sexual violence in armed conflict.

Thank you.  
CLINTON